| | SUMMARY: Proh | Initiative Pet ubits employer from | ition State of Newada n requiring employee to share tips or gratuities with certain other emp | loyees. Eligible | | | |
|---------|--|--|--|--------------------------------|--|--|--|
| | tip employees defined. | | | | | | |
| | FISCAL NOTE: | Effect on local g | FILED | . 4 | | | |
| | | Effect on the Sta | tte or on Industrial Insurance; | .h2 | | | |
| | EXPLANATION: | | te or on Industrial Insurance: JAN 16 2008 is new; matter in brackets [] is material to be omitted. | X | | | |
| | | | V | , , , | | | |
| | AN ACT relating to labor; premployees; providing penalty | rohibiting employer y; and providing oth | r from requiring an employee to share the life of the last of the | ATIE | | | |
| | The People of the S | tate of Nevada do e | enact as follows: | | | | |
| | Section 1. NRS 608.1 | 60 is hereby amend | led to read as follows: | | | | |
| | 608.160 1. It is unlaw: | ful for any [person] | employer to: | | | | |
| | (a) Take all or | part of any tips or | gratuities bestowed upon his employees. Fligible employees receipted | tips is defined | | | |
| | as those who are the actual (b) Apply as a | and direct recipient | t of the tips or gratuities. | | | | |
| | tips or gratuities bestowed on | his employees | ayment of the statutory minimum hourly wage established by any law | of this state any | | | |
| | 2. E | ligible emplovees m | ay establish and enter into a tip pooling agreement among themsel | um to divide the | | | |
| | rups or gratumes bestowed up | pon inem. Elizible i | employees receiving tins, as defined in 1. (a), ahone who are in the | naal ekelleald | | | |
| | aeciae among themselves wh | 10 may be included | in the tip pool. Where employees have entered into a tip pooling as | reement to | | | |
| | aivide tips or gratuities amoi | ng themselves, it sh | all be unlawful for their employer to: | | | | |
| | (a) Determine | which employees a | tre eligible to receive an allocation of tips from the shared pool of ti | os or gratuities; | | | |
| | or (b) Require the | ot particular emplo | mass sensitive on allocation of these shored the sensitive sensiti | | | | |
| | an applicable collective hare | u purucuur empu aining agreement | yees receive an allocation of those shared tips or gratuities, unless t authorize the employer to make such a determination or requiremen | he provisions of | | | |
| | 3. No | othing contained in | this section shall be construed to prevent such employees from entering | u into en | | | |
| | agreement to divide such tips | or gratuities among | themselves. | - | | | |
| | 4. In | addition to any enj | forcement action that may be taken by the Labor Commissioner or | he State of | | | |
| | Nevada, any employee or gro | MP of employees. b | ndividually or as a class, may bring any appropriate civil action in a | court of | | | |
| | of any of the provisions of the | state to enforce th | e employee's rights or to address grievances resulting from an emp | loyer's violation | | | |
| | of any of the provisions of this Chapter. 5. Remedies that a court may award shall include, but not be limited to, any or all of the following: | | | | | | |
| | a) Injunction: | · | s may amula shall include, but not be ilmited to, any or all of the fol | iowing: | | | |
| | | rellef pursuant to | NRS Chapter 30; | | | | |
| | c) Actual Mon | iey Damages; | | | | | |
| | d) Exemplary or Punitive Damages in accordance with NRS Chapter 42: | | | | | | |
| | 6. An | y employee or emp | loyees who prevail in an action under this section shall be entitled to | recover | | | |
| | reasonable attorney's fees an | a costs of sun. | Description of Pfford | | | | |
| | If enacted, NRS 608.160 will I | he amended to: | Description of Effect | | | | |
| | Prohibit an employer from requiring an employee to share his tins or cratuities with certain other employees. Retain the | | | | | | |
| | chiployees' right to pool tips affiong themselves. Ensure that any applicable collective bargaining agreement regarding tip pooling will | | | | | | |
| | be permitted without interferer | nce. Permits employ | ees to pursue civil actions in a court and delineates enforcement action | ne and | | | |
| | remedies courts may impose. | | | nio allu | | | |
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Description of Effect

Prohibit an employer from requiring an employee to share his tips or gratuities with certain other employees. Retain the employees' right to pool tips among themselves. Ensure that any applicable collective bargaining agreement regarding tip pooling will be permitted without interference. Permits employees to pursue civil actions in a court and delineates enforcement actions and remedies courts may impose.

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| | | , (print name), being first duly sworn under penalty of perjury, depose and | say: |
| (| (1) that I reside at | | |
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| (| print street, city and state); (2) that I am I 8 year | s of age or older; (3) that I personally circulated this document; (4) that all | |
| 5 | signatures were affixed in my presence; (5) that | I believe each person who signed was at the time of signing a registered | |
| ٧ | voter in the county residence; (6) the number of | signatures thereon is; and (7) that each signer had an | |
| c | poportunity before signing to read the full text of | the act or resolution on which the initiative or referendum is demanded, | |
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| c | Subscribed and arrows to so officered before me th | Signature of Circulator | |
| 3 | Subscribed and sworn to or affirmed before me th | | |
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